Appln No. 10/787,271
Talaucher et al.
Office Action dated March 10, 2005

REMARKS/ARGUMENTS

The Examiner is thanked for the Official Action dated March 10, 2005. This amendment is intended to be fully responsive thereto.

First claim 9 and 41, added by the Examiner, has been cancelled. New claim 42, dependent on claim 2, has been added. Support can be found on pages 3, 4 and 8 of the present specification.

Objection to the Drawings

The drawings have been amended, at the suggestion of the Examiner, to more clearly point out the show the features of the invention in the claims by adding the ribs to Fig. 4. No new matter has been added. A replacement sheet has been provided pursuant to 37 CFR 1.121(d).

Claim Objections

The Examiner has noted that the claims were incorrectly numbered in the specification. Claim 26 was indicated as not included and two claims were labeled as claim 9. Applicants have respectfully noted the Examiner's remarks and cancelled the 'first' claim 9 and the Examiner added claim 41 in the present application.

35 USC 122 Rejection

The Examiner has rejected claims 1-24 and 41 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 41 has been cancelled. Applicants have removed the term 'reception' from line 10 of claim 1, was it is clear that the housing is the housing of given axis (x-x) for receiving the item of equipment as described on the lines just previous to line 10, and Applicants now assert that Claim 1 has overcome the 112 rejection and is in condition for allowance. As to the other claims, Applicants contend that they are not indefinite and point out and distinctly claim the subject matter which Applicants regard as the invention, and the Examiner has pointed out no reason as to why they do not do so, except for their relation to Claim 1. As claim 1 has now been amended to clarify as described above, Applicants respectfully submit that these claims are also in condition for allowance.

As to claims 7 and 8, Examiner has stated that is not clear how the ribs can be in the shape of a helix. To be in the shape of a helix, the ribs must follow the line of a helix. Fig 4 of the present invention clearly shows the line of that must be followed for the helix. Applicants, in its amended replacement sheet, have provided the ribs that follow the line of the helix to place it in the shape of the helix. It is also clear from the additional claims that a rib can also be in the shape of a straight line by connecting two points situated on a helix. Applicants respectfully suggest that the Examiner has mistakenly considered two embodiments, ribs in the shape of a helix and another embodiment, ribs having the shape of a straight line segment connecting two points situated on a helix, as meaning the same thing. The helix itself is of the inclination of 1 degree to 15 degrees in an aspect of the present invention.

The 35 USC 102 Rejection

Applicants have reviewed Examiner's rejection over Carnahan et al over claims 1- 24 of the present invention. Present claim 42 (new) depends on previous claim 2.

Applicants must respectfully submit that the Examiner has mischaracterized Carnahan in so much as it might possibly relate to the present invention, and that Carnahan would not render the claims of the present invention anticipated or obvious based on this disclosure.

Carnahan et al relates to a plug-in-lock assembly useful particularly for 'locking into fixed position a pleasure boat seat' (equipment?) with respect to the deck of a boat (see abstract and other pages of Carnahan et al). In order to function in this matter, a number of features are disclosed as necessary in Carnahan. As disclosed in the summary, the inability of prior art devices to disassemble or the ability to disassemble through substantially higher manufacturing cost and complexity, are the problems solved by this invention.

Column 1 clearly states that the invention of Carnahan inserts a stem (column 1, line 31), into a base, so that the 'stem will remain in position (e.g. will not axially shift, rotate about its central axis or lean with respect to the base)'. It does not discuss that an item of equipment can be held within a support, with a housing for receiving the time of the equipment, as in the present invention, and as shown on Fig. 1 of the present invention, inside the area of a peripheral wall (reception cavity) where such equipment can rest. (See page 8, for example, of the present invention, disclosing an open housing that is able to receive an electric motor.) In fact, Carnahan discloses the requirements, as seen in claim 1, and on columns 1, 2, 4, 6 and throughout the specification, of the following:

- a base assembly for supporting a stem (and not a piece of equipment)
- -a base having a reception cavity formed therein
- -a Bushing ring supported by said base and extending into the reception cavity, *the bushing ring having an interior surface adapted for contact with the stem* once inserted
- -a *center post* positioned within said reception cavity and supported by said base , the center post having a top surface and side wall, the side wall being spaced from an interior surface of said base defining said reception cavity to *define a stem reception gap* between the side wall and interior surface, the Side Wall being *non-parallel* to the internal surface, and
- the *bushing ring* is received at a first end of the reception cavity, and the *center post includes a flanged rim and an contact a step* (see claim 1 of Carnahan and column 1, lines 49-67, column 2, lines 1-12. In fact, the center post is even formed to provide a gap width (with respect to an opposite supporting structure (column 2, lines 8-10) and with a center post formed of a plastic material, it is possible to have the gap width at the base less than the thickness of the stem, etc. etc., to form a secure fitting of the stem in the base. *(emphasis added)*

Examiner has particularly pointed out Column 9, and Figure 8 to support her rejection. Column 9 describes a center block similar in material to that used for bushing integrally molded into a shape (lines 32-38). In addition, the center block (30) has a top surface and cylindrical walls (102) and ribs (104) to provide 'support both from the standpoint of forces being applied down on top surface . . . .' The ribs are described as having an interior surface (106) which slopes outwardly and downwardly from a thicker upper end 108 to a thinner bottom end (110). Applicants, in regarding Figures 8-11 find difficulty in finding where it is possible for such ribs to hold an item of equipment, and, therefore how this can possibly relate to a support for holding equipment, such as a motor, in place in a space defined by a housing in such a configuration.

In fact the cavity of Carnahan is clearly not that of the present invention, and could not be gleaned and is not disclosed by Carnahan. Column 10, lines 9-27, clearly show the cavity of Carnahan (120) is provided by block 30, to receive the lower edge of stem 24 in nested fashion (see Fig. 11). A flanged support member (50) is shown to further support rim 112, and the cavity (slot 120) prevents shifting of the stem (24) at its lower end *once inserted into the base assembly).* This is clearly not the invention of Applicants.

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The present invention relates to a Support for holding an item of equipment for a motor vehicle comprising a CASING (2) that has a peripheral wall with support ribs on the wall of the casing itself. It does not comprise a center block and brushing as disclosed in and required by Carnahan. The present invention provides for the casing peripheral wall to define a housing of a given axis for Receiving the item of equipment (also not disclosed as such in Carnahan), and ribs, that are inclined with respect to the housing. The ribs in aspects such as those seen in claim 2, are formed on the inside of the casing, and, particularly, are arranged in such a fashion that they (the ribs) in aspects of the present invention, can actually make contact with the item of equipment. The various shaping of the ribs is not taught or suggested by Carnahan, and indeed, would not be described therein, as the ribs of Carnahan are not described or provided in a way to have salient edges, for example, that make contact with the item of equipment. *(emphasis added)*

In regarding Fig. 1 of the present invention, is shown a support (2) for the item of equipment (electric motor), that is a molded part. The peripheral wall of the support itself (skirt (4)) forms an *open housing* (emphasis added) to receive the item itself. There are ribs (16 and 18) shown on the inside of the peripheral wall. Fig. 2 clearly shows the nature of the support wherein an item of equipment is inserted into the support and capable of being touched by the ribs 16 or 18. This is not seen, taught or suggested by Carnahan, alone or in combination with any references cited. *(emphasis added)*

The Examiner has also rejected claims 11 and 13 as being obvious over the disclosure of Carnahan. Carnahan does not disclose a similar device for a similar function, the needs for securing a seat by using stems and a central block certainly different from that of support for an item of equipment, such as in a motor vehicle, wherein the item is placed within the support in such a way that the support has within the support's molded peripheral walls, ribs, as in the present invention, and Carnahan can certainly not be read as disclosing helical ribs, as disclosed in various aspects of the invention of Applicants. It certainly cannot be obvious to have a certain angle to a helix when it is not even obvious to employ a helical line for ribs, as in the present invention. Since Carnahan does not teach or lead one to the present invention, and, alone or in combination with any art cited, lead to the present invention, Applicants contend it is both new and unobvious, and that the claims, therefore, are now in condition for allowance.

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Based on the foregoing, it is respectfully submitted that newly amended claim 1, and its dependent claims 2-24, (as well as the new claim 42), in their current form, define the invention over the prior art of record and are in condition for allowance, and notice to that effect is earnestly solicited. Should the Examiner believe further discussion regarding the above claim language would expedite prosecution, please be invited to contact the undersigned at the number listed below.

Respectfully submitted:

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I hereby certify that this correspondence is being transmitted by facsimile to Commissioner for Patents,
Alexandria VA, 22313-1450 on September 12, 2005

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